

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 04-20038-BC
Honorable Thomas L. Ludington

DONALD NORTON YORK, a/k/a Donald York,
JAMES LAUGHTON,

Defendants.

ORDER DENYING DEFENDANT LAUGHTON'S MOTIONS,
CONCURRED IN BY DEFENDANT YORK, FOR A BILL OF PARTICULARS
AND FOR DISCLOSURE OF *BRADY* MATERIALS,
DENYING DEFENDANT LAUGHTON'S MOTIONS FOR DISCLOSURE
OF OFFICERS' NOTES AND FOR SEVERANCE OF DEFENDANTS,
AND DENYING DEFENDANT YORK'S MOTION FOR DISCOVERY

On February 8, 2006, the government filed a sixth superseding indictment against Defendants Donald York, David Tice, and James Laughton. The indictment includes 27 counts, charging a variety of offenses, including a conspiracy from a time unknown until July 29, 2004, drug and firearms offenses occurring in 2004, and offenses involving a murder on March 4, 2002. On May 31, 2007, Defendant Tice entered into a plea agreement with the government.

On June 26, 2007, Defendants York and Laughton argued several motions before the Court. These motions include the following: (1) Defendant Laughton's motion for a bill of particulars, joined in by Defendant York; (2) Defendant Laughton's motion for disclosure of materials under *Brady v. Maryland*, 373 U.S. 83 (1963), joined in by Defendant York; (3) Defendant Laughton's motion for disclosure of any rough notes, rough drafts of summary, incident reports, tape recordings, or worksheets, above and beyond any summary reports already disclosed; (4) Defendant Laughton's motion for severance of the defendants; (5) Defendant York's motion to compel discovery of the

complete file from the Federal Bureau of Investigation, the complete crime lab file, an agent's investigative notes, the complete file from the Flint Police Department, a meeting with Detective Frank Sorensen to review the file, and Sorensen's notes; and (6) Defendant York's motion *in limine* to bar the admission of any evidence relating to an allegedly prejudicial tattoo.

After a hearing, for reasons stated more fully on the record, the Court denied the first five of these motions. In particular, the Court was not persuaded that Defendant Laughton offered any argument distinguishable from those already considered and rejected in the Court's order of May 7, 2007, which concluded that, in light of Federal Rule of Evidence 801(d)(2)(E), no issue under *Crawford v. Washington*, 541 U.S. 36 (2004), and *Bruton v. United States*, 391 U.S. 123 (1967), existed that would warrant the severance of the defendants.

As to Defendant York's motion *in limine*, the Court declined to rule on the motion without the government's offer of proof. The Court accepted the government's agreement to alert the Court and defense counsel when questioning a witness regarding Defendant York's tattoo. The Court further instructed that any reference to the tattoo, in the event that evidence about it was admitted, should not describe any religious imagery included in the tattoo. Consequently, this motion remains pending.

Accordingly, it is **ORDERED** that Defendant Laughton's motion for a bill of particulars [dkt #381], joined in by Defendant York [dkt #398] and previously joined in by Defendant Tice [dkt #392], is **DENIED**.

It is further **ORDERED** that Defendant Laughton's motion for disclosure of *Brady* materials [dkt #382], joined in by Defendant York [dkt #398] and previously joined in by Defendant Tice [dkt #392], is **DENIED**.

It is further **ORDERED** that Defendant Laughton's motion for disclosure of officers' notes [dkt #383] is **DENIED**.

It is further **ORDERED** that Defendant Laughton's motion to sever Defendants [dkt #384] is **DENIED**.

It is further **ORDERED** that Defendant York's motion to compel discovery [dkt #390] is **DENIED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: June 27, 2007

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 27, 2007.

s/Tracy A. Jacobs
TRACY A. JACOBS